



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,622	09/29/2000	Arvind Kumar	42390P9709	9572

7590 05/09/2005

Joseph A Twarowski
Blakely Sokoloff Taylor & Zafman LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,622

Applicant(s)

KUMAR, ARVIND

Examiner

Prieto Beatriz

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 9, 13-17, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9, 13-17 and 22-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Request for continued Examination under 37 C.F.R. §1.114 filed 04/12/05, claims 7, 10-14, 18-21 and 24-25 have been canceled, and claims 1-6, 8-9, 13-17 and 22-23 have been amended and remain pending.
2. Regarding 35 U.S.C. 102 previous rejection of claims 1-16, 29-28 under GAO, Applicant's indication (p. 6 of remarks) that the action's statement: "substantial features of the invention" is the same as "disclosing every element of the claim", is noted.
3. Acknowledgment is made to applicant's election not to include a Brief Summary of the Invention (see MPEP § 608.01(d)).
4. Quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action may be found in previous office action.
5. Claims 1-6, 8-9, 13-17 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by GAO U.S. Patent No. 6,581,094.

Regarding claim 1, a user at a console creating a query, wherein the console includes a device managing a network device (see GAO: col 10/lines 1-21, col 10/lines 23-40, col 14/lines 1-7, 21-23, 27-32);

sending the query to a search engine to facilitating searching information about the network device (see GAO col 3/lines 41-47, col 14/lines 7-15, e.g. HTTP request for the requested file specified by an URL as shown on table I, lines 1-38, or table II, lines 1-23, Fig. 3, col 11/lines 25-36);

receiving a ("discovery information") query (see GAO: col 3/lines 42-47, col 5/lines 1-13) on a network device (90) storing files containing information (col 4/lines 2-3, 10-15, 31-36, col 5/lines 8-9) about the network device (Gao: col 4/lines 45-67) sent via a search engine XML enable module (Gao: col 5/lines 1-13, browser sends query to search engine 80 of Fig. 1 see col 14/lines 1-15);

receiving the result of standard Internet search including searchable UDD files matching said query (see GAO: col 4/lines 45-67, col 1/lines 60-65, col 5/lines 1-13).

Regarding claim 2, searching via a search engine XML enabled (search engine which is XML enabled see GAO: col 5/lines 8-9, or XML standard search technology see col 4/lines 2-3, 45-67); searching (query) discovery information (browser 30/50 of Fig. 1) to be sent to the XML based search engine (Gao: col 4/lines 45-64 and col 14/lines 1-32); search engine includes XML files each having information about each respective network device (Gao: col 3/lines 24-47, col 9/lines 9-13).

Regarding claim 3, manipulating the retrieved discovery information (Gao: update or upgrade retrieve UDD file data see col 14/lines 25-32, selected UDD file for retrieval and respective processing for rendering display, i.e. "manipulating" see col 3/lines 48-61, searchable UDD file via a web browser 50 see col 4/lines 45-64).

Regarding claim 4, displaying the manipulated discovery information (Gao: deliver for display selected UDD file "information" see col 3/lines 48-54, XML based document displayable on any device see col 4/lines 18-22, display of retrieved UDD file see col 11/lines 25-36 and Fig. 3).

Regarding claim 5, this claim is the machine-readable medium that provides instructions, which when executed by a machine, cause said machine to perform operations of the method claim discussed on claim 1, same rationale of rejection is applicable.

Regarding claim 6, this claim is the machine-readable medium that provides instructions, which when executed by a machine, cause said machine to perform operations of the method claim discussed on claim 2, same rationale of rejection is applicable.

Regarding claims 8-9, this claim is the machine-readable medium that provides executable instructions to perform the method associated with the searching functions discussed on the method claims 2-4, therefore same rationale of rejection is applicable.

Regarding claim 15, includes features discussed on claim 1, same rationale of rejection is applicable, further, wherein a plurality network device (90) (GAO: col 3/lines 62-col 4/line 4) including XML based discovery information (GAO: device 90 including UDD file see col 4/lines 2-3, file in the XML form see col 4/lines 45-54) and a search engine to search discover information encoded in an XML document stored in the network device (GAO: col 4/lines 2-3, 10-15, 31-36, col 5/lines 8-9) about the network

device (GAO: col 4/lines 45-67, sent via a search engine XML enable module col 5/lines 1-13, browser sends query to search engine 80 of Fig. 1 see col 14/lines 1-15).

Regarding claim 16, search engine is an XML based search engine (GAO: col 5/lines 1-13), search engine includes XML files each having information about each respective network device (Gao: col 3/lines 24-47, col 9/lines 9-13), said files formatted in XML (Gao: col 4/lines 45-67).

Regarding claim 23, wherein the XML based discovery information includes data describing the capabilities, location, i.e. geographic information or URL, characteristic, features of the network device (Gao: information includes see col 4/lines 45-54, col 5/lines 39-54, device type see table I, lines 1-10).

Regarding claim 22, network appliances ("devices") may be a printer or a personal digital assistant (i.e. a computer), and a copier (i.e. a printer), and the like (Gao; see col 3/lines 62-col 4/line 4, server and computers see col 7/lines 56-64) to be managed by a managing device (Gao: col 2/lines 64-67) and managed another device (Gao: col 15/lines 31-38).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gao in view of Vaishnavi et. al. U.S. Patent No. 5,734,642 (Vaishnavi hereafter).

Regarding claims 17-18, Gao teaches where network devices include a printer, a pager, a fax machine, a personal digital assistant, a digital copier, a controller 92, I/O devices 94, a system bus 96, and a network interface circuit 100 and the like (col 3/lines 62-col 4/line 2), however Gao does not explicitly teach where network devices include a router and a switches;

Vaishnavi teaches a system/method related to system management and the discovery of network devices, including where a discovery process includes transmitting a query for information regarding the devices on the network (col 5/lines 24-43), wherein network device typically as known in the art, network devices include switches and routers (col 1/lines 11-19). It would have been obvious to one ordinary skilled in the art at the time the invention was made given Gao's suggestion that the networked environment illustrated includes the Internet and that therefore would include a large number of the component shown and other circuits and devices well know to this configuration and which are apparent to one skilled in the art. Routers and switches would be readily apparent and inherent in Gao's Internet based networked environment. One ordinary skilled in the art would be motivate to include other type of

network devices e.g. routers/switches, those inherent in an Internet based networked system which Gao suggest can be accommodated in the definition of UDD.

Response to argument

7. Regarding claims 1-6, 8-9, 13-17 and 22-23 are rejected under 35 U.S.C. 102 as being anticipated by Gao it is argued that the applied reference does not teach claim limitation as added. Specifically, formulating a discovery information query at a console or at one or more network devices, the console includes a managing device for the one or more network device, wherein the discovery information query is initiated automatically or by a user; and sending the discovery information query to a search engine to facilitate searching of discovery information relevant to the one or more network devices.

In response to the above-mentioned argument, Gao teaches creating "formulating" a query "discovery information query" by a user at a console, e.g. combination of readouts or displays and an input device by which an operator can monitor and interact with a system (query code: col 10, lines 1-21, file (e.g. XML UDD) transfer URL based query in the form of an HTTP query associated with a printer device see column 10, lines 23-40, generating a search by a user via a web browser column 14, lines 1-7, 21-23, 27-32); the console including a managing device (40) for managing a network devices (90) within a networked environment (20) (column 2, lines 53-column 3, line 11, network devices: column 3, lines 62-column 4, line 4) by an user e.g. query a network device; each network device storing therein a searchable file (e.g. UDD 98) comprising information about itself (searchable file about itself: column 4, lines 50-60, stored therein: column 5, lines 8-9), searching using standard internet technologies including a web browser (e.g. 50) (column 4, lines 58-67) on said managing device and where searching further includes device discovery or device data searching or device status or device data query (column 5, lines 1-13); sending the query over the network (34) to an computer (60) "engine" comprising means (80) to facilitate search of information "discovery" about the network device (column 3, lines 41-47, column 14, lines 7-15, i.e. the web browser (50) issues a HTTP request for the requested file specified by an URL (table I, column lines 1-38, or table II, column lines 1-23); where in response, the designated Web server returns the requested information displayed on Fig. 3, column 11, lines 25-36).

8. Applicant's arguments filed 04/12/05 have been fully considered but not rendered persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free)).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry;

or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

B. Prieto
Primary Examiner
May 6, 2005


BEATRIZ PRIETO
PRIMARY EXAMINER